

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25513 of 2026

Arising Out of PS. Case No.-70 Year-2026 Thana- SARAIYA District- Muzaffarpur

1. SHAMBHU PASWAN S/o- Vigan Paswan @ Vigan Pasan R/v- Manikpur Ps- Saraiya Dist- Muzaffarpur
2. Abdhesh Paswan @ Avadhesh Paswan S/o- Vigan Paswan @ Vigan Pasan R/v- Manikpur Ps- Saraiya Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-04-2026

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Saraiya P.S. Case No. 70 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 30.01.0226 by the informant, Vijay Kumar Sharma.

3. As per the prosecution story, the police on secret information raided the bamboo orchard and recovered 10 litres of illicit liquor, 200 litres of semi prepared illicit liquor and besides aforesaid also recovered 900 M.L. foreign illicit liquor in front of the house of Chandan Kumar. This led to the FIR.

4. Learned counsel for the petitioners submits that



nothing has been recovered from the conscious possessions of the petitioners rather recovery is made from bamboo orchard which is in front of house of Chandan Yadav, further none of the petitioners have criminal antecedent.

5. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer for anticipatory bail.

7. Taking into account the submissions of the parties as also nothing has been recovered from his conscious possession as also the case of **Ram Vinay Yadav(supra)**, this Court is inclined to extend the privilege of anticipatory bail with conditions.

8. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from



the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge Excise-2, Muzaffarpur, in connection with Saraiya P.S. Case No. 70 of 2026, subject to the following conditions :-

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving) to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for six months to mark their attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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